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**From:** Woolford, James [Woolford.James@epa.gov]  
**Sent:** 9/17/2019 6:17:37 PM  
**To:** Peterson, Mary [Peterson.Mary@epa.gov]  
**Subject:** Fwd: DOES OSRTI WANT A ROLE IN RESPONSE? --Inquiry from Sen. Grassley re: Vogel Paint and Wax Company  
**Attachments:** 2019\_09\_17\_11\_55\_04.pdf; ATT00001.htm

Thoughts??

Sent from my iPhone

Begin forwarded message:

**From:** "Keller, Melanie" <Keller.Melanie@epa.gov>  
**Date:** September 17, 2019 at 1:56:44 PM EDT  
**Cc:** "Woolford, James" <Woolford.James@epa.gov>, "Stalcup, Dana" <Stalcup.Dana@epa.gov>, "Gartner, Lois" <Gartner.Lois@epa.gov>, "Benjamin, Kent" <Benjamin.Kent@epa.gov>, "Lowery, Brigid" <Lowery.Brigid@epa.gov>, "Ammon, Doug" <Ammon.Doug@epa.gov>  
**Subject:** DOES OSRTI WANT A ROLE IN RESPONSE? --Inquiry from Sen. Grassley re: Vogel Paint and Wax Company

Good afternoon,

Looping in OSRTI here to determine if OLEM should have a role in response ---

Sen. Grassley (R-IA) emailed a request to EPA seeking additional information about EPA's decision to "move the point of compliance" for the Vogel Paint site (see bottom).

This relates to an incoming from the state of Iowa and a law firm (I'm guessing the PRP's) questioning this point of compliance decision. (I do not have a copy of the incoming).

Attached you will find the signed letter from R7 to the state/firm.

Because this has already been signed (not sure sent status), I anticipate that OLEM will defer to R7 to respond to the Senator's inquiry and OLEM can offer to assist with a response, if needed. The region will likely provide the attached letter to the Senator's office with a brief summary of the issue in response.

Based on the information provided below, it looks like there was an HQ consult process on this issue.

If OSRTI would like to have a more active role in responding to the Senator's office on this issue, please let me know ASAP. Otherwise, I will communicate to OCIR that Region 7 should proceed with a response and that OLEM would appreciate being kept in the loop.

Thank you,  
Melanie

**Melanie C. Keller**

US Environmental Protection Agency  
Congressional Liaison – OLEM/OCPA  
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**Subject: RE: Inquiry from Sen. Grassley re: Vogel Paint and Wax Company**

As for background, the matter is indeed developing but we wouldn't characterize it as enforcement sensitive as much as deliberative at this stage. (This is, after all, IDNR's site to enforce.) In general terms, Region 7 initiated consultation with headquarters personnel (OSRTI) in January 2019 to discuss matters related to remedy selection and documentation at the Vogel Paint & Wax Site. Among the issues discussed was whether the site could achieve deletion from the NPL with the current groundwater point of compliance, which was designated as the property boundary in an Explanation of Significant Differences issued by IDNR in 2000. OSRTI staff advised Region 7 that this point of compliance appears contrary to the EPA's general remedial preference to achieve cleanup levels throughout the contaminated plume, as expressed in the National Contingency Plan, and that site deletion may not be viable until site-wide cleanup is accomplished. When this issue was incorporated into a draft FYR, both IDNR and Diamond Vogel submitted comments to EPA objecting to the recommendation. The issue was therefore identified as an "Other Finding" in the final FYR, rather than a recommendation, and EPA has invited further discussion among the parties concerning the need to amend the point of compliance to reach NPL deletion.

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Grassley's office is asking if we can provide any additional detail on EPA changing the point of compliance and IDNR's letter in support of Diamond Vogel. Since this is enforcement sensitive my guess would be that we are limited in what we can say but if we can share any additional details that are not sensitive that would be great.

Also, just let me know once the letter is signed and the parties notified so that I may let both Senate offices know.